

**2008 No. 2707**

**TRIBUNALS AND INQUIRIES**

**The Appeals (Excluded Decisions) Order 2008**

*Made* - - - - *13th October 2008*

*Laid before Parliament* *15th October 2008*

*Coming into force* - - *3rd November 2008*

The Lord Chancellor makes the following Order in exercise of the powers conferred by section 11(5)(f) of the Tribunals, Courts and Enforcement Act 2007(a).

1. This Order may be cited as the Appeals (Excluded Decisions) Order 2008 and shall come into force on 3rd November 2008.

2. For the purposes of section 11(1) of the Tribunals, Courts and Enforcement Act 2007, the following decisions of the First-tier Tribunal are excluded decisions—

- (a) any decision on an appeal under section 102 of the Immigration and Asylum Act 1999(b);
- (b) any decision on an appeal under section 63(6) of the Tax Credits Act 2002(c);
- (c) any decision on an appeal under section 24(2) of the Child Trust Funds Act 2004(d).

By authority of the Lord Chancellor

13th October 2008

*Bridget Prentice*  
Parliamentary Under Secretary of State  
Ministry of Justice

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a) 2007 c. 15.  
b) 1999 c. 33.  
c) 2002 c. 21.  
d) 2004 c. 6.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

Section 11 of the Tribunals, Courts and Enforcement Act 2007 provides that a party to a case has a right of appeal on a point of law from the First-tier Tribunal to the Upper Tribunal. But there is no right of appeal against a decision which is “excluded”. Excluded decisions are listed in subsection (5) and this Order lists additional excluded decisions which are also prohibited from a right of appeal to the Upper Tribunal under section 11 of the 2007 Act.

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